

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
Proposing a Market Structure and Rules for the
Northern California Natural Gas Industry for the
Period Beginning January 1, 2003 as Required by
Commission Decision 01-09-016. (U 39 G)

Application 01-10-011
(Filed October 8, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING NOTICE OF INTENT TO CLAIM COMPENSATION**

On February 6, 2002, The Utility Reform Network (TURN) filed its "Notice of Intent to Claim Compensation" (NOI) in the above-captioned proceeding. No one filed a response to TURN's NOI.

Public Utilities Code Section 1804(a)(1) provides that "[a] customer who intends to seek an award under this article shall, within 30 days after the prehearing conference (PHC) is held, file and serve on all parties to the proceeding a notice of intent to claim compensation."¹ The PHC in this proceeding was held on January 7, 2002. TURN's NOI is timely filed.

Section 1804(a)(2) provides that a NOI is to include a statement of the nature and extent of the customer's planned participation in the proceeding, and an itemized estimate of the compensation that the customer expects to request. In addition, the NOI may include a showing by the customer that participation in

¹ All code section references are to the Public Utilities Code.

the proceeding would pose a significant financial hardship. If such a showing is made, the Administrative Law Judge (ALJ), in consultation with the assigned Commissioner, is to issue a preliminary ruling addressing whether the customer will be eligible for an award of compensation.

In Decision (D.) 98-04-059 [79 CPUC2d 628] the Commission directed that if a ruling is issued as a result of the filing of a NOI, the ALJ rule on whether the intervenor is a customer as defined in §1802(b),² and which category of customer the intervenor represents. The type of customer category determines the standard of “significant financial hardship” that applies.

TURN’s NOI states that it is a “group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers.” TURN has previously submitted the relevant portion of its articles of incorporation in other Commission proceedings. TURN meets the definition of customer as defined in Section 1802(b).

TURN states that it is interested in most of the unresolved issues that were addressed at the PHC. TURN is particularly interested in issues that “affect the quantity and price of relinquished or expansion capacity held by PG&E’s Core

² A “customer” is defined in §1802(b) to mean “any participant representing consumers, customers, or subscribers of any electrical, gas, telephone, telegraph, or water corporation that is subject to the jurisdiction of the commission; any representative who has been authorized by a customer; or any representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers, but does not include any state, federal, or local government agency, any publicly owned public utility, or any entity that, in the commission’s opinion, was established or formed by a local government entity for the purpose of participating in a commission proceeding.”

Procurement Department on behalf of core customers.” TURN intends to participate in this proceeding to the fullest extent possible.

Section 1801.3(f) recognizes that the intervenor compensation provisions are to be “administered in a manner that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process,” and “that avoids unproductive or unnecessary participation that duplicates the participation of similar interests otherwise adequately represented....” TURN points out that although TURN and the Office of Ratepayer Advocates (ORA) both represent ratepayer interests, TURN only represents the interests of core customers. TURN states that it will coordinate, as much as possible, with ORA to avoid unnecessary duplication of effort.

TURN has provided an itemized estimate of the compensation that TURN expects to request. With no hearings, TURN estimates its compensation at \$16,900. With hearings, TURN estimates its compensation at \$41,500. TURN states that the expected amount of compensation will depend on whether evidentiary hearings are required, and the Commission’s ultimate decision in this case.

TURN has elected to rely on Section 1804(b)(1) to make its showing of significant financial hardship in this proceeding. That subdivision provides in pertinent part:

“A finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in other commission proceedings commencing within one year of the date of that filing.”

TURN states that such a finding was made in Application 01-09-003 in a December 19, 2001 ruling. Since this proceeding was initiated within one year of that finding, the previous finding creates a rebuttable presumption of eligibility

for compensation in this proceeding. Given that no one has responded to TURN's NOI to rebut the presumption of eligibility, TURN is presumed to be eligible for compensation in this proceeding.

IT IS RULED that:

1. The Utility Reform Network (TURN) has met the eligibility requirements of Public Utilities Code Section 1804(a), including the requirement that it establish significant financial hardship.
2. TURN is eligible to file a claim for an award of compensation in this proceeding.

Dated March 1, 2002, at San Francisco, California.

/s/ JOHN S. WONG
John S. Wong
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Notice of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated March 1, 2002, at San Francisco, California.

/s/ ERLINDA PULMANO
Erlinda Pulmano

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

A.01-10-011 JSW/eap